

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q77527

Dong-shin JUNG, et al.

Appln. No.: 10/748,167

Group Art Unit: 2175

Confirmation No.: 6951

Examiner: Stephen D. Alvesteffer

Filed: December 31, 2003

For: APPARATUS, SYSTEM AND METHOD FOR PROVIDING INFORMATION ON
OBJECTS INCLUDED IN CONTENT

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

Based on the information supplied by the Appellant, and the best of Appellant's legal representative's knowledge, the real party in interest in the appeal is the assignee, SAMSUNG ELECTRONICS CO., LTD.

II. RELATED APPEALS AND INTERFERENCES

To the best of the knowledge and belief of Appellant, Appellant's legal representatives, and the Assignee, there are no other appeals or interferences before the Board of Patent Appeals and Interferences ("the Board") that may be related to, be directly affected by, or have a bearing on the Board's decision in the Appeal.

III. STATUS OF CLAIMS

Claims 1-27 are pending, have been rejected under 35 U.S.C. § 102(b), and are the subject of this appeal.

IV. STATUS OF AMENDMENTS

On January 18, 2008, after the Final Office Action mailed on October 11, 2007, Appellant filed an Amendment under 37 C.F.R. § 1.116 amending the drawings, but no claims were amended. Accordingly, there are no outstanding, non-entered amendments of the claims.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

A summary of the claimed subject matter, by independent claim, follows in accordance with 37 C.F.R. § 41.37(v).

Claim 1:

Claim 1 recites an apparatus (e.g. element 350) for providing object-in-content information (e.g. Figure 6), managed by an object-in-content information managing device (e.g. element 320).

Claim 1 further recites a central control unit (e.g. element 600) operable to receive content (page 13, lines 18-21 of the specification), supply basic content information of the content (page 14, lines 19-23 of the specification), and provide the object-in-content information in a user-viewable format (page 14, lines 5-7 of the specification).

Claim 1 further recites an object information interface unit (e.g. element 610) operable to transmit a request message including the basic content information to the object-in-content information managing device (e.g. element 320; See page 14, line 23 to page 15, line 3 of the specification), receive a response message including the object-in-content information corresponding to the basic content information from the object-in-content information managing device (e.g. element 320; See page 15, lines 3-7 of the specification), and transmit the object-in-content information included in the response message to the central control unit (e.g. element 600; See page 15, lines 7-8 of the specification).

Claim 1 further recites that the received content is not received through the object-in-content information managing device (e.g. element 320; See Figures 3 and 6 which show that element 350 does not receive content from element 320).

Claim 2:

Claim 2 recites an apparatus (e.g. element 320) for providing object-in-content information of content (Figures 4 and 10).

Claim 2 further recites a basic content information converting unit (e.g. element 400) operable to receive a message including basic content information of the content (See page 11, line 21 to page 12, line 2 of the specification) and provide converted basic content information corresponding to the basic content information (See page 18, lines 17-20 of the specification);

Claim 2 further recites a storage unit (e.g. element 430) operable to store the object-in-content information (See page 12, lines 3-5 of the specification).

Claim 2 further recites an information search unit (e.g. element 420) operable to extract the object-in-content information stored in the storage unit by using the converted basic content information (See page 19, lines 8-11 of the specification).

Claim 2 further recites an object information transmitting unit (e.g. element 1010) operable to generate a response message including the object-in-content information provided by the information search unit (e.g. element 420) and transmit the response message to a central control unit (e.g. element 600 of element 350; See page 21, lines 2-9 of the specification).

Claim 2 further recites that the object information transmitting unit (e.g. element 1010) does not transmit the content to the central control unit (e.g. element 600 of element 350; See

Figure 10 which shows that element 1010 of element 320 does not transmit content to element 350; See also Figures 3 and 6 which show that element 350 does not receive content from element 320 which comprises element 1010).

Claim 7:

Claim 7 recites a system for providing object-in-content information of content (Figures 4, 6, and 10).

Claim 7 further recites an apparatus (e.g. element 350) for providing the object-in-content information (Figure 6) comprising: a central control unit (e.g. element 600) operable to receive the content (page 13, lines 18-21 of the specification), supply basic content information of the content (page 14, lines 19-23 of the specification), and provide the object-in-content information in a user-viewable format (page 14, lines 5-7 of the specification); an object information interface unit (e.g. element 610); and an object-in-content information managing device (e.g. element 320).

Claim 7 further recites that the object information interface unit (e.g. element 610) is operable to transmit a request message including the basic content information to the object-in-content information managing device (e.g. element 320; See page 14, line 23 to page 15, line 3 of the specification), receive a response message including the object-in-content information corresponding to the basic content information from the object-in-content information managing device (e.g. element 320; See page 15, lines 3-7 of the specification), and transmit the object-in-content information included in the response message to the central control unit (e.g. element 600; See page 15, lines 7-8 of the specification).

Claim 7 further recites that the object-in-content information managing device (e.g. element 320) comprises: a basic content information converting unit (e.g. element 400) operable to receive the request message (See page 11, line 21 to page 12, line 2 of the specification) and provide converted basic content information corresponding to the basic content information (See page 18, lines 17-20 of the specification); a storage unit (e.g. element 430) operable to store the object-in-content information (See page 12, lines 3-5 of the specification); an information search unit (e.g. element 420) operable to extract the object-in-content information stored in the storage unit by using the converted basic content information (See page 19, lines 8-11 of the specification); and an object information transmitting unit (e.g. element 1010) operable to generate the response message including the object-in-content information provided by the information search unit (e.g. element 420; See page 21, lines 2-9 of the specification).

Claim 7 further recites that the received content is not received through the object-in-content information managing device (e.g. element 320; See Figures 3 and 6 which show that element 350 does not receive content from element 320).

Claim 12:

Claim 12 recites a method of providing object-in-content information of content (Figure 11), the method comprising: receiving the content (element 1105; See page 21, lines 14-15 of the specification); obtaining basic content information of the content (element 1115; See page 21, lines 16-17); transmitting a request message including the basic content information to an object-in-content information managing device (e.g. element 320; See element 1120 and page 21, lines 17-19 of the specification); and receiving a response message including the object-in-content

information extracted according to the basic content information included in the request message (e.g. element 1130; See page 21, line 22 of the specification).

Claim 12 further recites that the received content is not received through the object-in-content information managing device (e.g. element 320; See Figures 3 and 6 which show that content is not received from element 320).

Claim 15:

Claim 15 recites a system for providing object-in-content information of content (See Figures 3), comprising: a processing unit (e.g. element 350) operable to receive the content (See page 11, lines 3-6 of the specification) and provide basic content information of the content (See page 14, lines 19-23 of the specification); and an object-in-content information providing unit (e.g. element 320) operable to receive a request message including the basic content information from the processing unit (e.g. element 350; See page 11, line 21 to page 12, line 2 of the specification), and transmit a response message including the object-in-content information corresponding to the basic content information (See page 21, lines 2-9 of the specification).

Claim 15 further recites that the processing unit (e.g. element 350) is operable to provide the object-in-content information from the object-in-content information providing unit (e.g. element 320) in a user-viewable format (See page 14, lines 5-7 of the specification).

Claim 15 further recites that the received content is not received through the object-in-content information providing unit (e.g. element 320; See Figure 3 which shows that content is not received from element 320).

Claim 20:

Claim 20 recites an apparatus (e.g. element 350) for providing object-in-content information of content, comprising: a control unit (e.g. element 600) operable to receive the content (See page 13, lines 18-21 of the specification), provide basic content information of the content (page 14, lines 19-23 of the specification); and an object information interface unit (e.g. element 610) operable to receive the object-in-content information corresponding to the basic content information from an object-in-content information managing device (e.g. element 320; See page 15, lines 3-7 of the specification).

Claim 20 further recites that the control unit (e.g. element 600) provides the object-in-content information in a user-viewable format (See page 14, lines 5-7 of the specification), and that the received content is not received through the object-in-content information managing device (e.g. element 320; See Figure 3 which shows that content is not received from element 320).

Claim 25:

Claim 25 recites a method of providing object-in-content information of content (See Figure 11), the method comprising: receiving the content (element 1105; See page 21, lines 14-15 of the specification); requesting the object-in-content information, from an object-in-content information managing device (e.g. element 320), by providing basic content information of the content (See element 1120 and page 21, lines 16-19); receiving, from the object-in-content information managing device (e.g. element 320), the object-in-content information extracted according to the basic content information (e.g. element 1130; See page 21, line 22 of the

specification); and providing the received object-in-content information in a user-viewable format (e.g. element 1140; See page 22, lines 1-2 of the specification).

Claim 25 further recites that the received content is not received through the object-in-content information managing device (e.g. element 320; See Figure 3 which shows that content is not received from element 320).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The issues on appeal are summarized as follows:

1. Whether claims 1-27 are properly rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,918,012 to Astiz et al. (“Astiz”).

VII. ARGUMENT

At least for the reasons discussed below, Appellant submits that the rejections of the claims on appeal are improper, and reversal of each ground of rejection is requested. Appellant turns now to the rejections at issue.

Claims 1-27 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Astiz. Appellant submits that the claims are patentable.

Claim 1

For example, claim 1 recites an apparatus for providing object-in-content information, managed by an object-in-content information managing device. The apparatus includes a central control unit and an object information interface unit. The central control unit is operable to receive content and supply basic content information of the content, and the object information interface unit is operable to transmit a request message including the basic content information to the object-in-content information managing device, receive a response message including the object-in-content information corresponding to the basic content information from the object-in-content information managing device, and transmit the object-in-content information included in the response message to the central control unit. Additionally, the content received by the control unit is not received through the object-in-content information managing device.

On page 2 of the Non-Final Office Action dated April 12, 2007, the Examiner contends that Astiz's HTTP server 33 corresponds to the claimed object-in-content information managing device. The Examiner also implies that Astiz's video corresponds to the claimed content. However, Astiz discloses that the video data file is received by the browser 32 from the HTTP

server 33 (col. 6, lines 39-41). Thus, Astiz does not teach that the received content (video data file) is not received through the alleged object-in-content information managing device 33, as required by claim 1.

In the Final Office Action dated October 11, 2007, the Examiner responds by asserting that Astiz's invention is inherently capable of downloading the BTV data file from a different HTTP server from the HTTP server where the video content is stored, citing col. 6, lines 33-45.

However, the cited section of Astiz discloses that when the video data file (referred to as the BTV MIME file by the Examiner) is received by the browser 32 from the HTTP server 33, the browser 32 recognizes from the MIME that it needs to open the BTV viewer 31 and download the BTV data file to the viewer 31 for display. Because this section does not specify that the BTV data file is downloaded from the same HTTP server 33 that the video data file is received from, the Examiner contends that they are inherently downloaded from different HTTP servers.

However, "In relying upon the theory of inherency, the examiner must provide a basis in fact and/or technical reasoning to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied prior art." *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). See MPEP §2112.IV (emphasis in original). Furthermore, to establish inherency, the extrinsic evidence must make clear the missing material is necessarily present in the reference. "Inherency, however, may not be established by probabilities or possibilities." (M.P.E.P. § 2112.IV at page 2100-57). Here, the

Examiner improperly relies on the mere possibility that the BTV MIME file and the BTV data file are downloaded from separate servers.

Moreover, Astiz discloses that the video data file is received from the HTTP server 33 shown in Figure 3 (See col. 6, lines 5-11). Figure 3 also shows that the (x, y, t) data is sent to this particular HTTP server 33. Thus, Astiz does not teach or suggest that the received content (video data file) is not received through the alleged object-in-content information managing device 33 to which a request message is sent including the alleged basic contend information ((x, y, t) data).

In the Advisory Action dated January 30, 2008, the Examiner reasserts that Astiz's HTTP server 33 corresponds to the claimed object-in-content information managing device. The Examiner further asserts that Astiz teaches that when a user clicks on a "hot spot" in a video presentation, information about the selection is sent to the HTTP server 33 where it is determined which internet address to send the user to. The Examiner alleges that the internet address corresponds to the claimed received content and that a person of ordinary skill in the art would recognize that such an internet address is capable of pointing to a different HTTP server.

However, the mere assertion that an internet address is capable of pointing to a different HTTP server is not sufficient to support an anticipation rejection. Specifically, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Furthermore, as previously noted, "Inherency...may not be established by probabilities or possibilities."

(M.P.E.P. § 2112.IV at page 2100-57). Clearly, the Examiner's assertion regarding the capabilities of Astiz's system known to one of skill in the art is based on mere possibilities. Thus, Astiz does not explicitly or inherently teach that the alleged received content (video data file) is not received through the alleged object-in-content information managing device 33, as required by claim 1. Accordingly, the claim cannot be anticipated by Astiz.

Moreover, as noted above, Astiz discloses that the video data file is received from the HTTP server 33 shown in Figure 3 (See col. 6, lines 5-11). Figure 3 also shows that the (x, y, t) data is sent to this HTTP server 33. Clearly, Astiz suggests the opposite of the Examiner's assertion that the video data is received from a different HTTP server 33.

In view of the foregoing, Appellant submits that claim 1 is not anticipated by Astiz. Appellant also submits that claim 4 is patentable at least by virtue of its dependency on claim 1.

Claim 2

Independent claim 2 recites that the object information transmitting unit is operable to transmit the response message to a central control unit, wherein the object transmitting unit does not transmit the content to the central control unit. In rejecting claim 2, the Examiner asserts a similar rationale as that set forth in the rejection of claim 1.

Appellant submits that the Examiner's viewpoint is inaccurate at least for reasons analogous to those discussed above regarding claim 1. Thus, Appellant submits that claim 2 is patentable. Appellant also submits that claims 3, 5, and 6, being dependent on claim 2, are patentable at least by virtue of their dependency.

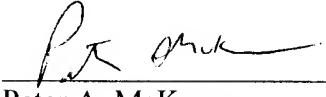
Claims 7, 12, 15, 20, and 25

Independent claims 7, 12, 15, 20, and 25 recite features similar to those discussed above in conjunction with claim 1. Thus, Appellant submits that these claims are patentable at least for reasons analogous to those discussed above regarding claim 1. Appellant also submits that claims 3, 5, 6, 8-10, 13, 14, 16, 18, 19, and 21-24, being dependent on one of claims 2, 7, 12, 15, 20, and 25, are patentable at least by virtue of their dependency.

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: July 1, 2008

CLAIMS APPENDIX

CLAIMS 1-27 ON APPEAL:

1. An apparatus for providing object-in-content information, managed by an object-in-content information managing device, comprising:

 a central control unit operable to receive content, supply basic content information of the content, and provide the object-in-content information in a user-viewable format; and

 an object information interface unit operable to transmit a request message including the basic content information to the object-in-content information managing device, receive a response message including the object-in-content information corresponding to the basic content information from the object-in-content information managing device, and transmit the object-in-content information included in the response message to the central control unit,

 wherein the received content is not received through the object-in-content information managing device.

2. An apparatus for providing object-in-content information of content, comprising:

 a basic content information converting unit operable to receive a message including basic content information of the content and provide converted basic content information corresponding to the basic content information;

 a storage unit operable to store the object-in-content information;

an information search unit operable to extract the object-in-content information stored in the storage unit by using the converted basic content information; and

an object information transmitting unit operable to generate a response message including the object-in-content information provided by the information search unit and transmit the response message to a central control unit,

wherein the object information transmitting unit does not transmit the content to the central control unit.

3. The apparatus as claimed in claim 2, wherein the basic content information converting unit receives the message, transmits the basic content information to a unit that provides the content, receives the converted basic content information from the unit and provides the converted basic content information.

4. The apparatus as claimed in claim 1, wherein the basic content information comprises one of actual coordinates, a click time, a channel number, or a combination thereof.

5. The apparatus as claimed in claim 2, wherein the basic content information comprises one of actual coordinates, a click time, a channel number, or a combination thereof.

6. The apparatus as claimed in claim 2, wherein the converted basic content information comprises one of actual coordinates, a relative time, a content identifier, or a combination thereof.

7. A system for providing object-in-content information of content, comprising:
an apparatus for providing the object-in-content information, which comprises:
a central control unit operable to receive the content, supply basic content information of the content, and provide the object-in-content information in a user-viewable format;
an object information interface unit; and
an object-in-content information managing device, wherein:
the object information interface unit is operable to transmit a request message including the basic content information to the object-in-content information managing device, receive a response message including the object-in-content information corresponding to the basic content information from the object-in-content information managing device, and transmit the object-in-content information included in the response message to the central control unit, and wherein
the object-in-content information managing device comprises:
a basic content information converting unit operable to receive the request message and provide converted basic content information corresponding to the basic content information,
a storage unit operable to store the object-in-content information,
an information search unit operable to extract the object-in-content information stored in the storage unit by using the converted basic content information,

an object information transmitting unit operable to generate the response message including the object-in-content information provided by the information search unit, and wherein the received content is not received through the object-in-content information managing device.

8. The system as claimed in claim 7, wherein the basic content information converting unit receives the request message, transmits the basic content information thereof to a unit that provides the content, receives the converted basic content information from the unit and provides the converted basic content information.

9. The system as claimed in claim 7, wherein the basic content information comprises one of actual coordinates, a click time, a channel number, or a combination thereof.

10. The system as claimed in claim 7, wherein the converted basic content information comprises one of a relative time, a content identifier, actual coordinates, or a combination thereof.

11. The system as claimed in of claim 7, further comprising a content provider operable to provide the content, receive the basic content information through a separate medium other than a medium providing the content, and provide the converted basic content information corresponding to the received basic content information through the separate medium.

12. A method of providing object-in-content information of content, the method comprising:
 - receiving the content;
 - obtaining basic content information of the content;
 - transmitting a request message including the basic content information to an object-in-content information managing device; and
 - receiving a response message including the object-in-content information extracted according to the basic content information included in the request message, wherein the received content is not received through the object-in-content information managing device.
13. The method as claimed in claim 12, further comprising providing the object-in-content information included in the response message in a user-viewable format.
14. The method as claimed in claim 12, wherein the basic content information comprises one of actual coordinates, a click time, a channel number, or a combination thereof.
15. A system for providing object-in-content information of content, comprising:
 - a processing unit operable to receive the content and provide basic content information of the content; and

an object-in-content information providing unit operable to receive a request message including the basic content information from the processing unit, and transmit a response message including the object-in-content information corresponding to the basic content information,

wherein the processing unit is operable to provide the object-in-content information from the object-in-content information providing unit in a user-viewable format, and

wherein the received content is not received through the object-in-content information providing unit.

16. The system as claimed in claim 15, wherein the content is an original content not processed with the object-in-content information or object recognition information of the content.

17. The system as claimed in claim 15, wherein the processing unit receives the content, as original, through one network and receives the object-in-content information, modifiable, from another network.

18. The system as claimed in claim 15, further comprising an object-in-content information provider operable to provide the object-in-content information without changing the content for the processing unit.

19. The system as claimed in claim 15, wherein the object-in-content information providing unit receives updated object-in-content information for the content.

20. An apparatus for providing object-in-content information of content, comprising:
a control unit operable to receive the content, provide basic content information of the content; and

an object information interface unit operable to receive the object-in-content information corresponding to the basic content information from an object-in-content information managing device,

wherein the control unit provides the object-in-content information in a user-viewable format, and

wherein the received content is not received through the object-in-content information managing device.

21. The apparatus as claimed in claim 20, wherein the apparatus receives the content, as original, not processed with the object-in-content information or object recognition information of the content.

22. The apparatus as claimed in claim 20, wherein the object information interface unit receives updated object-in-content information for the content.

23. The apparatus as claimed in claim 20, wherein the basic content information comprises one of actual coordinates, a click time, a channel number, or a combination thereof.

24. The apparatus as claimed in claim 20, wherein the object information interface unit transmits a message including the basic content information to obtain the object-in-content information.

25. A method of providing object-in-content information of content, the method comprising:

receiving the content;

requesting the object-in-content information, from an object-in-content information managing device, by providing basic content information of the content;

receiving, from the object-in-content information managing device, the object-in-content information extracted according to the basic content information; and

providing the received object-in-content information in a user-viewable format,

wherein the received content is not received through the object-in-content information managing device.

26. The method of claim 25, wherein the receiving the content includes receiving the content, as original, and the requesting of the object-in-content information includes obtaining the basic content information of the original content.

27. The method of claim 25, wherein the receiving of the object-in-content information includes receiving updated object-in-content information corresponding to the basic content information of the content.

EVIDENCE APPENDIX:

There has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 or any other similar evidence.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents

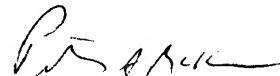
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Sir:

Submitted herewith please find an Appeal Brief. The statutory fee of \$510.00 is being charged to Deposit Account No. 19-4880 via EFS Payment Screen. The USPTO is also directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: July 1, 2008